



Legislative Fiscal Bureau

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May 9, 2011

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 7: Requiring Voter Identification in Order to Vote

Assembly Bill 7 (AB 7) would create a new identification requirement for voters and repeal current law provisions that establish procedures by which a voter may have his or her residence corroborated by a fellow elector. On January 27, 2011, AB 7 was introduced and referred to the Assembly Committee on Election and Campaign Reform. On May 3, 2011, Assembly Substitute Amendment 1 (ASA 1) to AB 7 was offered by the Assembly Committee on Election and Campaign Reform. The Committee recommended adoption of ASA 1 to AB 7 on a vote of 5-3. The Committee then recommended passage of AB 7, as amended, on a vote of 5-3. On May 5, 2011, AB 7, as amended, was referred to the Joint Committee on Finance.

Attached to this memorandum is a Legislative Council Amendment Memo dated May 3, 2011, which summarizes the provisions of ASA 1 to AB 7. The remainder of this memorandum provides information on the fiscal effect of ASA 1 to AB 7. Specifically, information is provided related to the Government Accountability Board, Department of Transportation, and the University of Wisconsin System. The substitute amendment does not provide funding or positions for these agencies.

Government Accountability Board

The Government Accountability Board (GAB) indicates that the costs of the proposal would fall into the following major categories: (a) public outreach and education; (b) modification and reprogramming of the Statewide Voter Registration System (SVRS); (c) election administration and SVRS absentee ballot training; (d) Help Desk; (e) military and overseas voter registration and absentee ballots; and (f) forms and materials revision. The following table provides a breakdown of these estimated GAB costs over the next two years under ASA 1 to AB 7.

Estimated GAB Two-Year Costs Under ASA 1 to AB 7

<u>Item</u>	<u>Cost</u>	<u>FTE</u>
Public Outreach and Education	\$752,700	1.00
SVRS Modification	591,300	
Training	535,800	3.00
Help Desk	156,100	1.00
Military & Overseas Absentee Ballots	85,300	
Forms and Materials Revision	<u>61,500</u>	<u> </u>
	\$2,182,700	5.00

Public Outreach and Education. The amendment would direct GAB to conduct a public informational campaign for the purpose of informing prospective voters of the voter identification requirements prior to the first regularly scheduled primary and election at which the new voter identification requirements would apply. The Board indicates that it would expend \$500,000 over a two-year period to conduct a statewide campaign including paid media and public service announcements.

The amendment would also direct GAB, on an ongoing basis, to engage in outreach to identify and contact groups of electors who may need assistance in obtaining or renewing a document that constitutes proof of identification for voting and provide assistance to the electors in obtaining or renewing that document. Board staff indicates that in order to comply with this provision that it would work with local community groups and social services programs to reach out to various groups of people to provide this assistance. Based on amounts expended by the Departments of Health Services and Workforce Development for some outreach campaigns, the Board estimates that it would expend \$150,000 over a two year period on this outreach effort.

The Board estimates that it would expend \$83,500 over two years to hire a 1.0 program assistant project position. Over this two year period the position would also be budgeted \$18,000 for one-time and ongoing supplies and services. This position would assist the Board's public information officer with the public outreach and education efforts.

Finally, the Board estimates needing \$1,200 for a special registration deputy mailing to inform them of the proposed law changes under the amendment.

Modification and Reprogramming of the SVRS. Under ASA 1 to AB 7, an absentee elector would not be required to provide a copy of proof of identification (if voting absentee by mail) if the elector: (a) received an absentee ballot by mail for a previous election; (b) provided a copy of proof of identification with that ballot; and (c) had not changed his or her name or address since providing that proof of identification. Under the amendment, an elector would only be permitted to cast a provisional ballot if: (a) an elector did not present proof of identification; (b) the name appearing on the document did not conform to the name on the poll list or separate list; or (c) any photograph appearing on the document did not reasonably resemble the elector. Likewise, if an

absentee elector was required to provide a copy of proof of identification and no copy of the proof of identification was enclosed, or the name on the document could not be verified by election staff, the elector's ballot would be treated as a provisional ballot. The burden would be on the elector to provide proof of identification or a copy thereof at the polling place on election day, or at the office of the municipal clerk or board of election commissioners no later than 4 p.m. on the Friday after the election.

The Board indicates that the SVRS would need to be modified in order to permit municipal clerks to track: (a) whether individual absentee electors voting by mail would be exempt from providing a copy of proof of identification; and (b) the status of provisional ballots cast by electors who initially were deemed to not have satisfied the proof of identification requirement. Board staff indicates that since only mail-in absentee ballots would potentially be exempt from the proof of identification requirements, the SVRS system would also need to designate the absentee ballot transmission method on all absentee labels, the voter list, and the absentee ballot log. In generating absentee ballot labels, absentee ballot logs, and absentee certificate envelopes, these materials would generally need to display "ID required" and "Proof of Residence Required."

In addition to absentee electors voting by mail who would meet the requirements identified above, the following electors would be exempt under ASA 1 to AB 7 from providing proof of identification: (a) a military elector voting by absentee ballot; (b) an overseas elector voting by absentee ballot; (c) an elector with a confidential listing as a result of domestic abuse, sexual assault, or stalking; (d) electors presenting an original copy of a citation or notice of intent to revoke or suspend a DOT driver's license dated within 60 days of an election; (e) an absentee elector who is indefinitely confined because of age, physical illness, or infirmity, or who is disabled for an indefinite period, and who has applied for and qualified to receive absentee ballots automatically; and (f) an absentee elector who resides in a nursing home, qualified retirement home, qualified community-based residential facility, qualified residential care apartment, complex, or qualified adult family home. The Board indicates that the SVRS would need to be modified so that the voter list and absentee ballot log printouts used on election day would indicate if the elector is required to provide proof of identification. This would permit election inspectors to identify electors to whom the proof of identification requirement did not apply.

In addition to these changes, the Board indicates that: (a) a new "ID Required" field would need to be added to the SVRS; (b) a number of SVRS reports would need to be updated; (c) the Voter Public Access website associated with the SVRS would be modified to display the "Proof of Residence Required" and "Statutory ID Required" fields; (d) the SVRS would need to be modified to reflect that an elector could no longer establish residency through a corroborating witness; and (e) the SVRS would need to be modified to reflect new voting procedures for certain electors in a nursing home, qualified retirement home, qualified community-based residential facility, qualified residential care apartment, complex, or qualified adult family home. The Board estimates that it would incur \$591,300 in one-time expenses to make these changes to the SVRS.

Training. Board staff indicates that, "At present, there are 1,851 municipalities in the State of Wisconsin that serve approximately 3,000 polling places. Roughly 62% of municipal clerks

work only on a part-time basis and will need on-going training and support. An estimated 200 municipal clerks do not have access to high-speed internet and many fulfill the duties of the municipal office out of their homes. There is an estimated turnover rate among municipal clerks of 25% every two years." As a result, the Board indicates there is a more involved ongoing need for training. Under the provisions of ASA 1 to AB 7, GAB anticipates that the need for training would be increased due to the passage of a new proof of identification requirement. The Board estimates these training costs at \$268,300 over a two year period. This estimate would include funding for a 1.0 election administration trainer project position (\$91,100 over the two year period for compensation and supplies and services).

In addition, of the 480 municipal offices which process voter information in the SVRS, only 160 currently utilize the absentee ballot function. Board staff believes that with the passage of the amendment, that all of these municipal offices would need to be trained on the modified absentee ballot function in SVRS to comply with the new law. The Board estimates these training costs at \$163,200 over a two year period. This estimate would include funding for a 1.0 SVRS trainer project position (\$91,100 over the two year period for compensation and supplies and services).

The Board also estimates that it would expend \$83,500 over two years to hire a 1.0 program assistant project position to provide support to the election administration and SVRS trainers. Over this two year period the position would also be budgeted \$18,000 for one-time and ongoing supplies and services. Finally, the Board also identified a need for \$2,800 in funding over the next two years for staff costs associated with developing training modules for the Web-Based Election Training System (WBETS).

Help Desk. As a result of the proposed law change regarding proof of identification, GAB anticipates increased inquiries to its Help Desk from local election officials and the public. The Board also anticipates an increased volume of inquiries to the Help Desk as a result of the public outreach and education campaign. The Board estimates that it would need a 1.0 resources support tech project position for a two-year period at an estimated cost of \$101,500, including \$18,000 for one-time and ongoing supplies and services. In addition, GAB anticipates needing to provide extended hours for the Help Desk during critical periods prior to, during, and after elections at a cost of \$54,600 over the next two years.

Military and Overseas Voter Registration and Absentee Ballots. Under the amendment, GAB would be required to maintain a freely accessible system under which a military or overseas elector who casts an absentee ballot could ascertain whether the ballot had been received by the appropriate municipal clerk. In addition, GAB would be required to designate and maintain at least one freely accessible means of electronic communication to: (a) permit a military or overseas elector to request a voter registration or absentee ballot application; (b) permit a military or overseas elector to designate whether the elector wished to receive the voter registration or absentee ballot application electronically or by mail; and (c) permit a municipal clerk to transmit to a military or overseas elector a voter registration or absentee ballot application electronically or by mail, as directed by the elector, together with related voting, balloting, and election information.

The Board estimates that it would incur costs totaling \$85,300 to: (a) modify the Voter Public Access website to permit military and overseas electors to submit requests for voter registration or absentee ballot applications; and (b) modify the SVRS to accept these applications from the Voter Public Access website.

Forms and Materials Revision. The Board estimates that it would incur costs totaling \$61,500 over the next two years to revise and print various forms and manuals that would need to be updated in light of ASA 1 to AB 7.

Department of Transportation

Although the Department of Transportation has not prepared a fiscal estimate for ASA 1 to AB 7, an estimate has been prepared for Senate Substitute Amendment 1 to Senate Bill 6, which is identical to ASA 1 to AB 7, with respect to its fiscal impact on the Department. In its fiscal estimate for SSA 1 to SB 6, the Department identified both ongoing costs and revenue losses associated with the provisions requiring the Department to issue an identification card at no charge. The Department assumes that the annual number of identification cards issued will increase by 20%, or about 8,000, as a result of both the voting identification requirements contained in the amendment, as well as the provision that would require the Department to issue cards at no charge. The additional, annual costs incurred because of this increase is estimated at \$79,200, which includes salary and fringe benefits for 1.4 positions, as well as card production costs.

With respect to revenues, the Department's fiscal estimate for the proposal assumes that 70% of applicants for an original or renewal identification cards would be given a card at no charge. [The Department indicates that applicants would be informed about the no-fee card option in order to avoid unequal treatment of applicants based solely on their knowledge about the no-fee option. The 70% figure reflects an estimate of the share of current identification card applicants who are U.S. citizens of voting age.] Based on the current volume of identification card issuance, the annual, estimated transportation fund revenue loss associated with this provision would be \$1,915,800.

It should be noted that this revenue loss would change once the Department begins full implementation of the federal Real ID Act. At that time, under provisions of the substitute amendment, the identification card would be issued at no charge only to applicants for a non-Real ID compliant card (which DOT would be authorized to issue under the substitute amendment). It can be assumed that a certain proportion of the applicants for an identification card would choose to receive a Real ID Act-compliant card, and, therefore, would not be eligible to receive a card at no charge. However, any assumption as to what proportion of identification card applicants would prefer to have a Real ID Act-compliant card, as opposed to a non-compliant card at no charge, would be speculative. Consequently, although the annual revenue loss would be lessened, the amount of this reduction is indeterminate. The Department indicates that full implementation of the Real ID Act provisions in Wisconsin is expected to occur in January, 2013, which is the current federal deadline.

University of Wisconsin System

The University of Wisconsin System Administration indicates that current student identification cards do not include a student's address. To ensure that all students have a student identification card that would qualify as "identification" under the amendment, new identification cards would have to be issued to all students. According to UW-Madison, material costs for student identification cards are approximately \$5 per card. Including material, staffing, and equipment costs, it is estimated that issuing new identification cards to all students would have a one-time cost of \$1.1 million. Adding an address to identification cards issued in the future would have no cost.

Under the amendment, the student identification card must have a current address to be considered a valid form of identification. University of Wisconsin System Administration estimates that, on average, undergraduate students have three different addresses during the course of their studies. It is estimated that one-half of all students would require a new student identification card due to a change of address in any given year. The cost of issuing these replacement identification cards is estimated at \$455,000.

At many institutions, student identification cards also serve as bank or debit cards. For this reason, it may not be desirable to include other identifying information, such as date of birth and address, on the card. To provide students with identification cards that would qualify as "identification" under the amendment, some institutions may choose to issue two identification cards to students. This would have the effect of increasing the cost of the amendment.

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Attachment



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 7

**Assembly Substitute
Amendment 1**

Memo published: May 3, 2011

Contact: Jessica Karls-Ruplinger, Senior Staff Attorney (266-2230)

Assembly Substitute Amendment 1 to 2011 Assembly Bill 7 makes changes to election law relating to requiring certain identification in order to vote at a polling place or obtain an absentee ballot; absentee voting; late voter registration; a requirement for electors to provide a signature when voting in person at an election; the duration and location of residency for voting purposes; voting a straight party ticket; issuance of operator's licenses and identification cards by the Department of Transportation (DOT); the dates of the September primary and certain other election occurrences; voter registration information; the statewide voter registration list; voter registration activities; assisting electors in voting; granting rule-making authority; and providing a penalty.

PROOF OF IDENTIFICATION

Under *current law*, an elector voting at a polling place or by absentee ballot is not required to present identification other than, if applicable, proof of residence.

Assembly Substitute Amendment 1 requires that an elector present proof of identification to vote at a polling place or by absentee ballot.

"Proof of Identification" Defined

Under *Assembly Substitute Amendment 1*, "proof of identification" means identification that contains the name of the individual to whom the document was issued, which name conforms to the individual's voter registration form, if the individual is required to register to vote, and that contains a photograph of the individual. "Identification" means any of the following documents issued to an individual:

- One of the following documents that is unexpired or, if expired, has expired after the date of the most recent general election: (1) an operator's license issued by DOT; (2) an

identification card issued by DOT; (3) an identification card issued by a U.S. uniformed service; or (4) a U.S. passport.

- A certificate of U.S. naturalization that was issued not earlier than two years before the date of an election at which it is presented.
- An unexpired driving receipt issued by DOT.
- An unexpired identification card receipt issued by DOT.
- An identification card issued by a federally recognized Indian tribe in this state.
- An unexpired identification card issued by an accredited university or college in this state that contains the date of birth, current address, and signature of the individual to whom it is issued and that contains an expiration date indicating that the card expires no later than four years after the date of the election at which it is presented.

Voting at Polling Place

Assembly Substitute Amendment 1 requires that an elector present proof of identification when voting at a polling place. The election official must verify that the name on the proof of identification presented by the elector conforms to the name on the poll list or separate list and must verify that any photograph appearing on that document reasonably resembles the elector.

Further, *Assembly Substitute Amendment 1* provides that upon registering to vote at a polling place on Election Day, an elector must present proof of identification. The election official must verify that the name on the proof of identification presented by the elector conforms to the name on the elector's registration form and must verify that any photograph appearing on that document reasonably resembles the elector. If any document presented is not proof of residence, the elector must also provide proof of residence.

Voting by Absentee Ballot

Assembly Substitute Amendment 1 provides that if an elector applies for an absentee ballot in person at the clerk's office, the clerk may not issue the elector an absentee ballot unless the elector presents proof of identification. The clerk must verify that the name on the proof of identification presented by the elector conforms to the name on the elector's application and must verify that any photograph appearing on that document reasonably resembles the elector. The clerk must then enter his or her initials on the certificate envelope indicating that the absentee elector presented proof of identification to the clerk.

In addition, *Assembly Substitute Amendment 1* provides that if an elector applies for an absentee ballot in a manner other than in person at the clerk's office, the elector must enclose a copy of his or her proof of identification or any authorized substitute document with his or her application. The municipal clerk must verify that the name on the proof of identification conforms to the name on the application. The clerk may not issue an absentee ballot to an elector who is required to enclose a copy of proof of identification or an authorized substitute document with his or her application unless the copy is enclosed and the proof is verified by the clerk. However, if an elector applies for an absentee ballot in

an electronic manner and the elector has not enclosed a copy of his or her proof of identification with his or her application, the elector must enclose a copy of the proof of identification with the absentee ballot.

Lastly, *Assembly Substitute Amendment 1* provides that when an agent applies for an absentee ballot for a hospitalized elector, the agent must present proof of identification to the clerk on behalf of the elector. The clerk must verify that the name on the proof of identification presented by the agent conforms to the name on the elector's application. The clerk must then enter his or her initials on the carrier envelope indicating that the agent presented proof of identification to the clerk.

Absentee Ballot Certificate

Assembly Substitute Amendment 1 requires that an absentee ballot envelope contain a printed certificate that includes a space for the municipal clerk or deputy clerk to enter his or her initials indicating that if an absentee elector voted in person, the elector presented proof of identification to the clerk and the clerk verified the proof of identification presented. The certificate must also include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that the elector is exempt from providing proof of identification.

Exceptions to Identification Requirement

Assembly Substitute Amendment 1 creates the following exceptions to the requirement that electors present proof of identification when voting:

- A military elector, as defined in s. 6.34 (1) (a), Stats., who votes by absentee ballot is not required to provide a copy of proof of identification.
- An overseas elector, as defined in s. 6.34 (1) (b), Stats., who votes by absentee ballot is not required to provide a copy of proof of identification.
- An elector who has a confidential listing, as a result of domestic abuse, sexual assault, or stalking, may present his or her confidential identification card, or give his or her name and confidential identification serial number, in lieu of presenting proof of identification.
- An elector who receives a citation or notice of intent to revoke or suspend an operator's license from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of an election, and is required to surrender his or her operator's license or driving receipt issued to the elector at the time the citation or notice is issued, may present an original copy of the citation or notice in lieu of an operator's license or driving receipt, or, if voting by mail, may enclose a copy of the citation or notice in lieu of a copy of an operator's license or driving receipt.
- An absentee elector who has received an absentee ballot from the municipal clerk by mail for a previous election and has provided a copy of proof of identification with that ballot, and has not changed his or her name or address since providing that proof of identification, is not required to provide a copy of proof of identification.

- An absentee elector who is indefinitely confined because of age, physical illness, or infirmity, or who is disabled for an indefinite period, and who has applied for and qualified to receive absentee ballots automatically may, in lieu of providing a copy of proof of identification, submit with his or her absentee ballot a statement signed by the same individual who witnesses voting of the ballot that contains the name and address of the elector and verifies that the name and address are correct.
- An absentee elector who resides in a nursing home, qualified retirement home, qualified community-based residential facility (CBRF), qualified residential care apartment complex, or qualified adult family home where special voting deputies are sent may, in lieu of providing a copy of proof of identification, submit with his or her absentee ballot a statement signed by the special voting deputies that contains the name and address of the elector and verifies that the name and address are correct. The deputies must enclose the statement in the certificate envelope.
- An absentee elector who resides in a qualified retirement home, qualified CBRF, residential care apartment complex, or adult family home where special voting deputies are *not* sent may, in lieu of providing a copy of proof of identification, submit with his or her absentee ballot a statement signed by the same individual who witnesses voting of the ballot that contains the certification of the manager of the complex, facility, or home that the elector resides in the complex, facility, or home and the complex, facility, or home is certified or registered as required by law, that contains the name and address of the elector, and that verifies that the name and address are correct.

Electors Not Providing Identification

Assembly Substitute Amendment 1 provides that if an elector does not present proof of identification, if the name appearing on the document presented does not conform to the name on the poll list or separate list, or if any photograph appearing on the document does not reasonably resemble the elector, the elector may not be permitted to vote, except that an elector who does not present proof of identification must be offered the opportunity to vote by provisional ballot.

In addition, *Assembly Substitute Amendment 1* provides that if an absentee elector is required to provide a copy of proof of identification and no copy of the proof of identification is enclosed or the name on the document cannot be verified by the election officials, the officials must treat the ballot as a provisional ballot.

Lastly, *Assembly Substitute Amendment 1* specifies that if an elector is required to provide proof of identification or a copy thereof and fails to do so, and the elector votes by provisional ballot, the elector bears the burden of correcting the omission by providing the proof of identification or copy thereof at the polling place before the closing hour or at the office of the municipal clerk or board of election commissioners no later than 4 p.m. on the Friday after the election.

Public Information Campaign

Assembly Substitute Amendment 1 requires that GAB conduct a public information campaign in conjunction with the first regularly scheduled primary and election at which the voter identification

requirements of the substitute amendment initially apply for the purpose of informing prospective voters of the new voter identification requirements. The substitute amendment also requires GAB to engage in outreach to identify and contact groups of electors who may need assistance in obtaining or renewing a document that constitutes proof of identification for voting and provide assistance in obtaining or renewing that document.

Instructions

Assembly Substitute Amendment 1 requires that a municipal clerk or board of election commissioners post instructions regarding the proof of identification requirement.

Operator's Licenses and Identification Cards

Under *current law*, certain provisions of the federal REAL ID Act will be incorporated into state law when DOT provides notice that it will implement the federal REAL ID Act. These provisions include requirements that DOT follow certain procedures in processing applications for operator's licenses and state identification cards and that each operator's license and identification card contain a photograph.

Assembly Substitute Amendment 1 allows DOT, upon the implementation of the federal REAL ID Act in this state, to process applications for operator's licenses and identification cards that are not compliant with the federal REAL ID Act if the licenses and cards are marked to indicate that they are not REAL ID compliant. DOT must process the applications for REAL ID noncompliant operator's licenses and identification cards using DOT practices and procedures that are in effect immediately prior to implementation of the federal REAL ID Act.

Current law allows DOT to issue an operator's license, but not an identification card, that does not contain a photograph of the licenseholder based on the religious beliefs of the licenseholder. However, after implementation of the federal REAL ID Act, all REAL ID compliant operator's licenses and identification cards must contain a photograph.

Under *Assembly Substitute Amendment 1*, until implementation of the federal REAL ID Act, the religious belief photograph exemption for operator's licenses continues, and the substitute amendment creates a religious belief photograph exemption for identification cards. After implementation of the federal REAL ID Act, the substitute amendment creates a religious belief photograph exemption for REAL ID noncompliant operator's licenses and identification cards. Specifically, the exemption provides that an application for an operator's license or identification card may be processed, and the license or card issued or renewed, without a photograph being taken of the applicant if the applicant provides to DOT an affidavit that states that the applicant has a sincerely held religious belief against being photographed; identifies the religion to which the applicant belongs or the tenets of which the applicant adheres to; and states that the tenets of the religion prohibit the applicant from being photographed.

Lastly, *Assembly Substitute Amendment 1* allows an elector to obtain a free identification card from DOT if the applicant is eligible to obtain an identification card and if the elector is a U.S. citizen who will be at least 18 years of age on the date of the next election and the elector requests that the card be provided without charge for purposes of voting.

SIGNATURE REQUIREMENT

Current law does not require that an elector sign the poll list, supplemental list, or other separate list when voting.

Assembly Substitute Amendment 1 requires that an elector enter his or her signature on the poll list, supplemental list, or other separate list when voting in person at an election, unless exempt by reason of the elector's physical disability. Each registration list prepared for use as a poll list at a polling place or for purposes of canvassing absentee ballots must contain a space for the elector's signature, or, if another person signed the elector's registration form for the elector by reason of the elector's physical disability, the word "exempt." GAB must, by rule, prescribe the space and location for entry of each elector's signature on the poll list, which must provide for entry of the signature without changing the orientation of the poll list from the orientation used by the election officials.

In addition, *Assembly Substitute Amendment 1* provides that if an elector previously signed his or her registration form or is exempt from a registration requirement and is unable, due to physical disability, to enter his or her signature at the election, the officials must waive the signature requirement if the officials determine that the elector is unable, due to physical disability, to enter his or her signature. In such case, the officials must enter the words "exempt by order of inspectors" next to the name and address of the elector on the poll, supplemental, or separate list. If both officials do not waive the signature requirement and the elector wishes to vote, the official or officials who do not waive the requirement must require the elector to vote by ballot and must challenge the elector's ballot. The challenged elector may then provide evidence of his or her physical disability to the board of canvassers charged with initially canvassing the returns prior to the completion of the initial canvass.

RESIDENCY

Durational Residency

Under *current law*, an individual must be a resident of an election district or ward for 10 days before an election to be eligible to vote in the election. An individual who moves within this state later than 10 days before an election must vote at his or her previous ward or election district if the individual is otherwise qualified.

Assembly Substitute Amendment 1 increases the residency requirement from 10 days before an election to 28 consecutive days before an election. The substitute amendment also provides that an individual who moves within this state later than 28 days before an election must vote at his or her previous ward or election district if the individual is otherwise qualified.

Current law provides that an individual who was or who is an eligible elector, except that he or she has been a resident of this state for less than 10 days prior to the date of the presidential election, is entitled to vote for the president and vice president but for no other offices.

Assembly Substitute Amendment 1 applies this provision to an individual who has been a resident of this state for less than 28 consecutive days prior to the date of the presidential election.

"Residency" Defined

Under *current law*, the residence of an individual is the place where the individual's habitation is fixed, without any present intent to move, and to which, when absent, the individual intends to return.

Assembly Substitute Amendment 1, instead, provides that the residence of an individual is the place where the principal or primary home or place of abode is located, where the individual's habitation is fixed, without any present intent to move, and to which, when absent, the individual has the present intent to return, regardless of the duration of the absence. The substitute amendment also provides that, in determining the principal or primary home or place of abode of an individual, the following circumstances may be taken into account: business pursuits; employment; income sources; residence for income or other tax purposes; residence of the individual's parents, spouse, or children, if any; leaseholds; situs of real and personal property; location of any homestead for which a credit is elected under state law; and motor vehicle registrations.

Under *current law*, no individual gains a residence in any ward or election district of this state while there for temporary purposes only.

Assembly Substitute Amendment 1, instead, provides that no individual gains a residence in any ward or election district of this state while there for temporary purposes only, without the intention of making that ward or election district the individual's home but with the intention of leaving it when the individual has accomplished the purpose that brought the individual there.

REGISTRATION

Corroboration

Under *current law*, an elector who registers to vote after the third Wednesday preceding an election generally must provide proof of residence or, if the elector cannot provide proof of residence, another elector of the municipality may corroborate the information contained in the elector's registration form.

Assembly Substitute Amendment 1 eliminates the use of corroboration as an alternative to providing proof of residence when registering to vote.

Late Registration Deadline

Under *current law*, an elector of a municipality who has not previously filed a registration form or whose name does not appear on the registration list of the municipality may register after the close of registration (the third Wednesday preceding an election) but not later than 5 p.m. or the close of business, whichever is later, on the day before an election at the office of the municipal clerk.

Assembly Substitute Amendment 1 provides that this provision applies until the Friday before an election, rather than the day before an election. [The substitute amendment continues to allow an elector to register at a polling place on Election Day.]

Special Registration Deputies

Under *current law*, an elector of this state may apply to GAB to be appointed as a special registration deputy for the purpose of registering electors of any municipality prior to the close of registration. In addition, an elector of this state may apply to any municipal clerk or board of election commissioners to be appointed as a special registration deputy for the purpose of registering electors of the municipality prior to the close of registration. The municipal clerk, board of election commissioners, or GAB may revoke an appointment made by the clerk, board of election commissioners, or GAB for cause at any time.

Assembly Substitute Amendment 1 repeals the provisions regarding appointment, and revocation of appointments, of special registration deputies by GAB. In addition, the appointment of each individual who serves as a special registration deputy on the effective date of the substitute amendment solely as the result of action of GAB is revoked.

Registration Forms

Under *current law*, registration forms must be designed to obtain from each elector certain information, including the elector's residence location and the number of the elector's valid operator's license issued by DOT.

Assembly Substitute Amendment 1 requires that registration forms also be designed to obtain the location of the elector's previous residence immediately before moving to the current residence location. Further, the substitute amendment requires that registration forms be designed to obtain the number of an elector's *current* and valid operator's license.

Proof of Residence

Under *current law*, proof of residence includes a university, college, or technical college fee or identification card that contains a photograph of the cardholder if the card contains a current and complete name and residential address of an individual. A card that does not contain a current and complete name and residential address is considered proof of residence if the university, college, or technical college that issued the card provides a certified and current list of students who reside in housing sponsored by the university, college, or technical college to the municipal clerk prior to the election showing the current address of the students and if the municipal clerk, special registration deputy, or inspector verifies that the student presenting the card is included on the list.

Assembly Substitute Amendment 1, instead, provides that proof of residence includes a university, college, or technical college identification card issued by a university, college, or technical college in this state that contains a photograph of the cardholder, together with a fee payment receipt that contains the full name of the individual to whom it is issued and that is dated no earlier than nine months before the date of the election at which the receipt is presented. To be considered proof of residence, the card must contain a current and complete name and residential address of the individual.

Out-of-State Driver's Licenses

Under *current law*, if an elector registers to vote and presents a driver's license issued by another state, the election official must record on a separate list the name and address of the elector, the name of the state, and the license number and expiration date of the license. A municipal clerk must compile and, no later than seven days after each general election, transmit to GAB the lists of electors registering to vote who presented valid drivers' licenses issued by other states. Further, after each general election, GAB must contact the chief election official of each state from which an elector who voted in that election presented a valid driver's license. GAB must inquire whether the holder of the driver's license voted in that election in that state.

Assembly Substitute Amendment 1 repeals these provisions.

Official Registration List

Current law provides that the official registration list is open to public inspection, except that access to certain information is restricted and may be viewed only by an employee of GAB, county clerk, deputy county clerk, executive director of a county board of election commissioners, deputy designated by the executive director, municipal clerk, deputy municipal clerk, executive director of a city board of election commissioners, or deputy designated by the executive director.

Assembly Substitute Amendment 1 provides that GAB or any municipal clerk or board of election commissioners may transfer any information in the registration list to which access is restricted to a law enforcement agency, to be used for law enforcement purposes. Further, the substitute amendment provides that GAB may transfer any information in the registration list to which access is restricted to a subunit of the state government of another state to be used for official purposes.

Under *current law*, a municipal clerk may update any entries in the registration list that change on the date of an election in the municipality within 30 days after that date.

Assembly Substitute Amendment 1 provides that the municipal clerk may update any entries in the registration list that change on the date of an election, other than a general election, within 30 days after the date of that election and may update any entries that change on the date of a general election within 45 days after the date of that election. In addition, the substitute amendment provides that GAB legal counsel may, upon request of a municipal clerk, permit the clerk to update entries that change on the date of a general election within 60 days after that election.

ABSENTEE VOTING

Absentee Ballot Application

Current law provides that an absent elector may make written application to the municipal clerk for an official ballot by means of facsimile transmission or electronic mail. The application must contain a copy of the applicant's original signature. An elector requesting a ballot must return with the voted ballot a copy of the request bearing an original signature of the elector.

Assembly Substitute Amendment 1 provides that the application need not contain a copy of the applicant's original signature.

Under *current law*, if an elector makes an application for an absentee ballot in person, the application must be made no later than 5 p.m. on the day preceding the election.

Assembly Substitute Amendment 1 provides that the application must be made no earlier than the opening of business on the second Monday preceding the election and no later than 5 p.m. or the close of business, whichever is later, on the Friday preceding the election.

Electronic Transmission

Under *current law*, a municipal clerk may, if the clerk is reliably informed by an absent elector of a facsimile transmission number or electronic mail address where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the absent elector's ballot to that elector in lieu of mailing if, in the judgment of the clerk, the time required to send the ballot through the mail may not be sufficient to enable return of the ballot by the return deadline.

Assembly Substitute Amendment 1 provides that a municipal clerk must, if the clerk is reliably informed by an absent elector of a facsimile transmission number or electronic mail address where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the absent elector's ballot to that elector in lieu of mailing.

Automatic Absentee Ballots

Current law provides that an elector may, by written application, require that an absentee ballot be sent to the elector automatically for every election that is held within the same calendar year in which the application is filed.

Assembly Substitute Amendment 1 provides that the municipal clerk must discontinue mailing or transmitting absentee ballots to an elector if the elector fails to return any absentee ballot mailed or transmitted to the elector. In addition, an elector who fails to cast an absentee ballot but who remains qualified to receive absentee ballots may receive absentee ballots for subsequent elections by notifying the municipal clerk that the elector wishes to continue receiving absentee ballots for subsequent elections.

Instructions

Assembly Substitute Amendment 1 requires that GAB prescribe uniform instructions for absentee voters that includes the specific means of electronic communication that an absentee elector may use to file an application for an absentee ballot and, if the absentee elector is required to register, to request a registration form or change his or her registration and information concerning whether proof of identification is required to be presented or enclosed.

VOTING BY MILITARY AND OVERSEAS ELECTORS

Electronic Transmission

Assembly Substitute Amendment 1 provides that a military elector, as defined in s. 6.22 (1) (b), Stats., or an overseas elector, as defined in s. 6.24 (1), Stats., may file an application for an absentee

ballot by means of electronic mail or facsimile transmission. Upon receipt of a valid application, the municipal clerk must send the elector an absentee ballot or, if the elector so requests, must transmit an absentee ballot to the elector by means of electronic mail or facsimile transmission.

Further, *Assembly Substitute Amendment 1* requires that GAB maintain a freely accessible system under which a military elector, as defined in s. 6.34 (1) (a), Stats., or an overseas elector, as defined in s. 6.34 (1) (b), Stats., who casts an absentee ballot may ascertain whether the ballot has been received by the appropriate municipal clerk. In addition, GAB must designate and maintain at least one freely accessible means of electronic communication to be used for the following purposes:

- To permit a military elector, as defined in s. 6.34 (1) (a), Stats., or an overseas elector, as defined in s. 6.34 (1) (b), Stats., to request a voter registration application or an application for an absentee ballot at any election at which the elector is qualified to vote in this state.
- To permit a military elector, as defined in s. 6.34 (1) (a), Stats., or an overseas elector, as defined in s. 6.34 (1) (b), Stats., to designate whether the elector wishes to receive the applications, described in the first bullet point, electronically or by mail.
- To permit a municipal clerk to transmit to a military elector, as defined in s. 6.34 (1) (a), Stats., or an overseas elector, as defined in s. 6.34 (1) (b), Stats., a registration application or absentee ballot application electronically or by mail, as directed by the elector, together with related voting, balloting, and election information.

Under *current law*, if a military elector, as defined in s. 6.34 (1) (a), Stats., makes a written application for an absentee ballot at the September primary or general election, the application must be received by the municipal clerk no later than 5 p.m. on Election Day.

Assembly Substitute Amendment 1 also applies this provision to the presidential preference primary and any special election for national office.

Automatic Absentee Ballots

Under *current law*, upon receipt of a timely application from an overseas elector, as defined in s. 6.24 (1), Stats., who registers to vote in a municipality, the municipal clerk of the municipality must send an absentee ballot to the elector for all subsequent elections for national office to be held during the year in which the ballot is requested, unless the elector otherwise requests or until the individual no longer qualifies as an overseas elector.

Assembly Substitute Amendment 1 provides that the clerk may not send or transmit an absentee ballot for an election if the name of the overseas elector, as defined in s. 6.24 (1), Stats., appeared on the registration list in eligible status for a previous election following the date of the application but no longer appears on the list in eligible status. The clerk must ensure that any envelope containing the absentee ballot is clearly marked as not forwardable. If an overseas elector, as defined in s. 6.24 (1), Stats., who files an application no longer resides at the same address that is indicated on the application form, the elector must so notify the clerk.

Current law provides that, when making a request for an absentee ballot, a military elector, as defined in s. 6.34 (1) (a), Stats., or an overseas elector, as defined in s. 6.34 (1) (b), Stats., may request that he or she be sent an absentee ballot for the next two general elections. In addition, current law provides that if a military elector, as defined in s. 6.34 (1) (a), Stats., certifies that he or she will be a military elector on Election Day and requests an absentee ballot, the municipal clerk must send or transmit to the elector an absentee ballot for all elections that occur in the municipality or portion thereof where the elector resides beginning on the date that the clerk receives the request and ending on the day after the third successive general election that follows receipt of the request, unless the elector otherwise requests. The clerk must continue to send or transmit to the elector an absentee ballot for all elections ending on the day after the third successive general election that follows any election at which the elector returns an absentee ballot or renews his or her request. If there occur three successive general elections at which a military elector, as defined in s. 6.34 (1) (a), Stats., fails to return an absentee ballot and the elector has not cast an absentee ballot at any intervening election, if the clerk is reliably informed that the elector is no longer a military elector or no longer resides in the municipality, or if the elector so requests, the clerk must discontinue sending or transmitting absentee ballots to the elector.

Assembly Substitute Amendment 1 repeals these provisions.

Late Counting

Under *current law*, an absentee ballot that is cast at the general election by a military elector, as defined in s. 6.34 (1) (a), Stats., that is received by mail from the U.S. Postal Service and postmarked no later than Election Day must be counted if it is received by a municipal clerk no later than 5 p.m. on the 10th day after the election.

Assembly Substitute Amendment 1 extends this provision to the presidential preference primary and any special election for national office.

Write-In Absentee Ballots

Under *current law*, a military elector, as defined in s. 6.22 (1) (b), Stats., or an overseas elector, as defined in s. 6.24 (1), Stats., who transmits an application for an official absentee ballot for a general election no later than 30 days before Election Day may, in lieu of the official ballot, cast a federal write-in absentee ballot (FWAB) for any candidate or for all candidates of any recognized political party for national office listed on the official ballot at the general election.

Assembly Substitute Amendment 1 expands the current law provision, as it applies to military electors, as defined in s. 6.22 (1) (b), Stats., to an application for an official absentee ballot for any election, including a primary election, and requires that an application be received by the municipal clerk by the deadline for absentee ballot applications for military electors. In addition, the substitute amendment applies the late counting provision for military electors, described above, to a FWAB cast by a military elector, as defined in s. 6.34 (1) (a), Stats.

In addition, *Assembly Substitute Amendment 1* modifies the current law provision, as it applies to overseas electors, as defined in s. 6.24 (1), Stats., so that it only applies to an application for an official absentee ballot for an election for national office, including a primary election, and requires that

an application be received by the municipal clerk by the deadline for absentee ballot applications for overseas electors.

Current law provides that a FWAB or state write-in absentee ballot (SWAB) is valid only if all of the following apply: (1) the ballot is submitted from a location outside the United States; and (2) the elector submitting the FWAB or SWAB does not submit an official ballot.

Assembly Substitute Amendment 1, instead, provides that a FWAB or SWAB is valid only if the elector submitting the ballot does not submit an official ballot and, if the elector is an overseas elector, the elector resides outside the United States.

Military Elector List

Under *current law*, a municipal clerk must keep a list, by wards, of all eligible military electors, as defined in s. 6.22 (1) (b), Stats., who reside in the municipality. Each clerk must distribute two copies of the list to the appropriate ward for use on Election Day.

Assembly Substitute Amendment 1 requires that a municipal clerk keep the military elector list in the format prescribed by GAB and that the clerk distribute one copy of the list to each polling place for use on Election Day.

RESIDENTIAL CARE APARTMENT COMPLEXES AND ADULT FAMILY HOMES

Current law contains procedures that may be adopted for absentee voting by occupants of nursing homes, qualified CBRFs, and qualified retirement homes and includes procedures relating to the appointment of special voting deputies to visit the home or facility to supervise absentee voting by occupants of the home or facility.

Assembly Substitute Amendment 1 also applies the procedures to absentee voting by occupants of qualified residential care apartment complexes and qualified adult family homes. Specifically, the substitute amendment provides that the municipal clerk or board of election commissioners of any municipality where a residential care apartment complex or adult family home is located may adopt the procedures for absentee voting in any such complex or home located in the municipality if the clerk or board finds that there are a significant number of the occupants of the complex or home who lack adequate transportation to the appropriate polling place, who may need assistance in voting, who are aged 60 or over, or who are indefinitely confined.

Under *current law*, no person may engage in electioneering within 100 feet of an entrance to or within a nursing home, qualified CBRF, or qualified retirement home while special voting deputies are present at the home or facility. In addition, current law provides that no election official may obtain an absentee ballot for voting in a nursing home, qualified CBRF, or qualified retirement home and fail to return the ballot to the issuing officer.

Assembly Substitute Amendment 1 also applies the prohibition against electioneering to qualified residential care apartment complexes and qualified adult family homes and applies the prohibition against failing to return a ballot to voting in qualified residential care apartment complexes and qualified adult family homes.

DATE OF SEPTEMBER PRIMARY

Under *current law*, the “September primary” is the primary held on the second Tuesday in September to nominate candidates to be voted for at the general election, and to determine which candidates for state offices, other than district attorney, may participate in the Wisconsin Election Campaign Fund.

Assembly Substitute Amendment 1 renames the “September primary” as the “partisan primary” and changes the date of the primary to the second Tuesday in August. In addition, the substitute amendment modifies several deadlines in state election laws to reflect the change in primary date.

STRAIGHT PARTY TICKET

Under *current law*, an elector may vote a straight party ticket, which allows an elector to vote for all candidates nominated by one political party.

Assembly Substitute Amendment 1 removes the option for the straight party ticket. The substitute amendment also provides that when voting for president and vice president, the ballot must permit an elector to vote only for the candidates on one ticket jointly or to write in the names of persons in both spaces. However, the substitute amendment continues to allow a military elector, as defined in s. 6.22 (1) (b), Stats., or an overseas elector, as defined in s. 6.24 (1), Stats., to vote a straight party ticket on a FWAB or SWAB.

ASSISTING ELECTORS

Current law provides that an individual selected to assist an elector to vote must certify on the back of the ballot that it was marked with his or her assistance. Where voting machines are used, certification must be made on the registration list.

Assembly Substitute Amendment 1 repeals these provisions.

CHALLENGING VOTERS

Under *current law*, each inspector must challenge for cause any person offering to vote whom the inspector knows or suspects is not a qualified elector.

Assembly Substitute Amendment 1 also requires that an inspector challenge for cause any person offering to vote who does not adhere to any voting requirement under ch. 6, Stats.

ELECTION MATERIAL

Current law provides that poll lists created at a nonpartisan primary or election may be destroyed two years after the primary or election at which they were created and poll lists created at a partisan primary or election may be destroyed four years after the primary or election at which they were created.

Assembly Substitute Amendment 1 provides that poll lists created for any election may be destroyed 22 months after the election at which they were created.

ELECTIONS HELD PRIOR TO 2012 SPRING PRIMARY

Assembly Substitute Amendment 1 provides that no elector who has resided in the ward or election district where he or she offers to vote for at least 10 days is required to meet any increased durational residency requirement at any election held prior to the 2012 Spring Primary.

Assembly Substitute Amendment 1 also provides that no elector who votes at an election held prior to the date of the 2012 Spring Primary is required to enter his or her signature on a poll list.

Further, *Assembly Substitute Amendment 1* provides that no elector who votes by absentee ballot at an election held prior to the 2012 Spring Primary is required to provide proof of identification. An elector who votes at a polling place at an election held prior to the date of the 2012 Spring Primary must be requested by the election officials to present proof of identification. However, if the elector does not present proof of identification, and the elector is otherwise qualified, the elector's ballot must be counted without the necessity of presenting proof of identification and without the necessity of casting a provisional ballot. If any elector who votes at a polling place at an election held prior to the 2012 Spring Primary does not provide proof of identification and would be required to provide proof of identification but for this provision, the election official who provides that elector with a ballot must also provide to the elector written information prescribed by GAB. The GAB information must briefly describe the voter identification requirement created by the substitute amendment and inform the elector that he or she will be required to comply with that requirement when voting at future elections beginning with the 2012 Spring Primary unless an exemption applies.

Legislative History

Assembly Substitute Amendment 1 was offered by the Assembly Committee on Election and Campaign Reform. On May 3, 2011, the Assembly Committee on Election and Campaign Reform recommended adoption of the substitute amendment on a vote of Ayes, 5; Noes, 3. The committee then recommended passage of 2011 Assembly Bill 7, as amended, on a vote of Ayes, 5; Noes, 3.

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